

Proposal No. \_\_\_\_\_

PROPOSAL RELATING TO THE COUNCIL'S POWER TO  
REJECT SALARY COMMISSION RECOMMENDATION

Section 3-122, Revised Charter of Honolulu 1973, as amended, is amended by amending paragraph 2 to read as follows:

2. The commission shall convene annually no later than the first day of February, and shall, after public hearing, establish salaries and salary schedules no later than the first day of May subsequent thereto, said salaries and salary schedules to be effective prospectively from the first day of the fiscal year subsequent to their adoption by the commission. The commission may meet at other times during the year pursuant to its own rules, but may alter salaries and salary schedules no more than once annually. Any action of the commission altering salaries shall be by resolution accompanied by findings of fact. Said resolution shall be forwarded to the mayor and the council, [but shall take effect without their concurrence sixty calendar days after its adoption unless rejected by a three-quarters vote of the council's entire membership. The council may reject either the entire resolution or any portion of it.]<sup>\*</sup>

Rationale

This proposal is intended to remove the City Council's power to reject the recommendations by the Salary Commission. The Salary Commission is an independent commission with the responsibility of establishing the salaries of all elected officials, including the mayor, councilmembers, and the prosecuting attorney, and the salaries of the following appointed officials: the managing director, the deputy managing director, department heads, deputy department heads, and the band director. Because the Salary Commission is an independent commission, it is not necessary for the City Council to have the power to reject any action by the Commission.

<sup>\*</sup>Material to be added is underscored. Material to be deleted is bracketed.

Kauai County Charter (2002) Sections 3.06, 7.03, 8.06, 29.01 and 29.02  
[http://www.kauai.gov/portals/0/county\\_attorney/kauai\\_county\\_charter.pdf](http://www.kauai.gov/portals/0/county_attorney/kauai_county_charter.pdf)

Legislative Power, Section 3.06 Compensation. The salary of each councilmember shall be as established by the Salary Commission. (Amended 1988)

Mayor, Section 7.03. Compensation. The salary of the mayor shall be \$19,000.00 per annum which shall be subject to change by the council. The salary of any incumbent shall be reduced only in the event that a general reduction in salaries of all county officers and employees is simultaneously effected.

County Attorney, Section 8.06. Special Counsel. The council may, by vote of five members, authorize the employment of special counsel for any special matter necessitating such employment. Any such authorization shall specify the compensation, if any, to be paid for said services.

Salary Commission, Section 29.01. Organization. The salaries of all councilmembers shall be established by an independent salary commission which shall consist of seven members. The mayor shall appoint three members, the council shall appoint three members, and the seventh member shall be appointed by the appointed six. If there is no agreement on the selection of the seventh member within forty-five days of the appointment of the sixth member, the seventh member shall be appointed by the mayor and confirmed by the council. (Amended 1988)

Salary Commission, Section 29.02. Purpose and Duties.

A. The commission shall set salaries of councilmembers in accordance with the principles of adequate compensation for work performed, the preservation of a sensible relationship with the salaries of other county employees.

B. The commission shall review and recommend the salaries and minimum qualifications of all officers and employees included in Section 3-2.1 of the Kauai County Code 1987, as amended. (Amended 1988)

Council, Section 3-6. Powers of Council. The council shall be the legislative body of the county. Without limitation of the foregoing grant or of other powers given it by this charter, the council shall have the power:

1. To legislate taxes, rates, fees, assessments and special assessments and to borrow money, subject to the limitations provided by law and this charter.
2. To legislate appropriations for county purposes subject to the limitations provided by this charter.
3. To conduct investigations of (a) the operation of any department or function of the county and (b) any subject upon which the council may legislate.
4. To fix the salaries of such employees and officers as may be necessary.
5. To require periodic and special reports from all county departments concerning their functions and operations. Such reports shall be requested and submitted by and through the mayor.
6. To retain or employ, by a vote of two-thirds of its entire membership, special counsel for any special matter presenting a real necessity for such employment. Any such employment shall specify the compensation, if any, to be paid for said services.

Mayor, Section 7-4. The Salary of the Mayor. The salary of the mayor shall be determined by the salary commission. (Amended 1986)

Salary Commission, Section 8-17.1. Organization and Functions. There shall be a salary commission, which shall consist of nine members appointed by the mayor with the approval of the council. The members of this commission shall have five-year terms, and can be reappointed once to a second five-year term. Two members shall be appointed or reappointed each year, except that only one member shall be appointed or reappointed every fifth year. The commission shall determine the compensation of elected officials and appointed directors and deputy directors of all departments of the county provided, however, in establishing the compensation of appointed department heads and their deputies, the salary commission shall consult with those boards and commissions which have appointing authority for department heads. (Amended 2002, 1992, 1984)

Hawaii County Charter (2000) Section 13-28

<http://www.hawaii-county.com/council/charter2000/item%204-Charter.pdf>

Section 13-28. Compensation; Salary Commission.

(a) The salary of all county elected officials and appointed directors and deputy directors of departments and executive agencies shall be established by a salary commission which shall consist of nine members appointed by the mayor with the approval of the council, in the manner prescribed in section 13-4(b). The members may be removed in the manner prescribed in section 13-4(b).

(b) One member shall be a resident of each council district. In addition, the civil service director and deputy civil service director shall serve as ex-officio members of the commission in an advisory capacity.

(c) The commission shall establish its rules of procedure, which shall provide that it meet at least annually, and adopt rules and regulations having the force and effect of law.

(d) The commission shall review and compensate all county elected officials and appointed directors and deputy directors so that their total salaries and benefits have a reasonable relationship to compensation in the public and private sectors. The salary commission shall consult with those boards and commissions which have appointing authority for department heads. (Ed note: Ord. 56, approved Gen. Elec. 1974, repealed the original section 3-4 and replaced it with this section creating the commission. This section was amended and moved here in Gen. Elec. 1990. This section was further amended 2000 Charter Amend. 10)